



Express Mail No.: ER 248809852
Docket No.: 91752DIV1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Divisional Application of :)	Parent Serial No.: 09/446,259
Paul Holvoet and Desire Collen)	
)	Patent Filed: December 20, 1999
Serial No.: Not Yet Assigned)	
)	Parent Examiner: L. Cook
Filing Date: Not Yet Assigned)	
)	Parent Art Unit: 1641
For: ASSAYS, ANTIBODIES, AND)	
STANDARDS FOR DETECTION OF)	
OXIDIZED AND MDA-MODIFIED LOW)	
DENSITY LIPOPROTEINS)	

REQUEST FOR FILING A RULE 1.53(b) CONTINUING APPLICATION

BOX PATENT APPLICATION
Commissioner For Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Sir:

This is a request for filing a ☐ continuation, ☒ divisional, ☐ continuation-in-part, application under 37 CFR § 1.53(b), of prior pending U.S. Application Serial No. 09/446259, filed December 20, 1999.

1. ☒ A copy of the prior application, including the oath or declaration, as originally filed in the parent case is enclosed. The undersigned hereby verifies that the enclosed application is a true copy of the parent application as originally filed. (See paragraph 2 regarding any amendments filed in the parent case to "complete" that application. See paragraph 12 regarding drawings, if any.)
2. ☐ Copies of amendments filed _____ and _____ to "complete" the parent application are enclosed. The undersigned hereby verifies that enclosed copies of the amendments are true copies of the amendments as originally filed in the parent case and that the amendments did not introduce impermissible new matter into that application.

Commissioner for Patents
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3. ☒ The filing fee has been calculated as shown below (net number of pending claims after entry of the enclosed Preliminary Amendment -- see item 7, below):

	Col. 1	Col. 2	SMALL ENTITY			LARGE ENTITY	
FOR:	NO. FILED	NO. EXTRA	RATE	FEE		RATE	FEE
BASIC FEE				\$385.00	OR		\$770.00
TOTAL CLAIMS	35-20 =	15	x 9.00	0.00	OR	x 18.00	270.00
INDEP. CLAIMS	7-3 =	4	x 43.00	0.00	OR	x 86.00	344.00
MULTIPLE DEPENDENT CLAIM PRESENTED			+ \$145.00	0.00	OR	+ \$290.00	0.00
*If the difference in Col. 1 is less than zero, enter "0" in Col. 2			Sub-Total:			Sub-Total:	1,384.00
Total: \$1,384.00							

- a. ☒ A check in the amount of \$1,384.00 to cover the filing fee is enclosed. If our check is missing or otherwise insufficient, or if any additional fees are required, please charge (or credit any overpayment) to Deposit Account No. 02-4467. A duplicate copy of this paper is enclosed.
- b. ☐ Please charge Deposit Account No. 02-4467 in the amount of \$_____.
4. ☒ For this continuing application and the parent application, the Commissioner is hereby authorized to charge payment of the following fees, or to credit any overpayment, to Deposit Account No. 02-4467. A duplicate copy of this paper is enclosed.
- a. ☒ Any additional filing fees required under 37 CFR § 1.16 not otherwise paid by check.
- b. ☒ Any miscellaneous fees required under 37 CFR § 1.17 not otherwise paid by check.
- c. ☒ Any additional Assignment recording fees under 37 CFR § 1.21(h) not otherwise paid by check.
5. ☐ Amend the specification by inserting before the first line, the sentence (_____): -- This is a ☐ continuation, ☐ divisional, ☐ continuation-in-part, of U.S. Application Serial No. _____, filed _____.-- [Note that an amendment to this effect is being made by the Preliminary Amendment enclosed herewith.]
6. ☐ Please cancel claims _____ as originally filed before calculating the filing fee.

7. ☒ A Preliminary Amendment (canceling all claims and adding a new slate of thirty-five claims) is enclosed. **Please enter it before calculating the filing fee.**
8. ☒ The parent application is assigned of record to Leuven Research & Development VZW. The assignment is recorded at Reel 010634, Frames 0797-0798.
9. ☐ The prior application is not assigned. An assignment to _____, a Recordation Form Cover Sheet, and a check for \$_____ to cover the recording fee are enclosed. If our check is missing or otherwise insufficient, or if any additional fees are required, please charge (or credit any overpayment) to Deposit Account No. 02-4467.
10. ☒ Address all future communications to:

Stephen P. Gilbert
BRYAN CAVE LLP
1290 Avenue of the Americas
New York, New York 10104-3300
(212) 541-2000
11. ☒ Address all future telephone calls to:

Stephen P. Gilbert
BRYAN CAVE LLP
(212) 541-2000
12. ☒ Drawings are part of this continuing application. (If this box is checked, you must check box a, b, or c, immediately following.)
- a. ☐ Transfer the drawings from the parent application to this Rule 1.53(b) application and abandon the parent application as of the filing date accorded this application. A duplicate copy of this paper is enclosed for filing in the parent case. (May be used only if the undersigned is one authorized by 37 CFR § 1.138 and before payment of the issue fee in the parent case.)
- b. ☐ New formal drawings are enclosed.
- c. ☒ Formal drawings are enclosed (six sheets). The undersigned hereby verifies that these drawings are true copies of the drawings in parent U.S. Application Serial No. 09/446259, filed December 20, 1999, as originally filed.

13. ☐ A verified statement claiming small entity status under 37 CFR § 1.27 is enclosed.
14. ☐ A verified statement claiming small entity status under 37 CFR § 1.27 appears in U.S. Application Serial No. _____, filed _____, and small entity status is requested for this application as well.
15. ☒ As noted above, this application is a divisional of parent U.S. Patent Application No. 09/446259, filed December 20, 1999. The parent application is the national stage in the United States of International Application No. PCT/EP97/03493, filed July 1, 1997, which claims priority to PCT/EP97/03287, filed June 20, 1997. All priority rights under 35 U.S.C. §§ 119 and 120 to and for those applications and the present application are hereby claimed, and a sentence to that effect is being added to the application by the Preliminary Amendment enclosed herewith. Thus, priority under 35 USC § 119 is being claimed based on Appln. No. PCT/EP97/03287, filed June 20, 1997 in the European Patent Office as Receiving Office under the Patent Cooperation Treaty.
- a. ☒ A certified copy of the priority document is already of record with respect to parent U.S. Application Serial No. 09/446259, filed December 20, 1999, which is the national stage of PCT/EP97/03493, filed July 1, 1997.
- b. ☐ The certified priority document(s) is(are) enclosed herewith for filing in this continuing case.
16. ☒ The current power of attorney is to Stephen P. Gilbert et al. The power is of record in parent U.S. Application Serial No. 09/446259, filed December 20, 1999.
17. ☐ A new power of attorney is enclosed.
18. ☐ A petition for extension of time in the parent application is enclosed so that the parent application will be pending as of the time this paper is filed.
19. ☒ A substitute inventors' declaration, which was filed in parent U.S. Application Serial No. 09/446259, filed December 20, 1999, to respond to a concern of the Examiner's, is enclosed.
20. ☒ A "Declaration On Behalf Of Assignee Concerning Deposit Of Microorganisms," which was filed in parent U.S. Application Serial No. 09/446259, filed December 20, 1999, to respond to a concern of the Examiner's, is enclosed.
21. ☒ The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful

false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

By: Stephen P. Gilbert
Stephen P. Gilbert
Registration No. 27,893
BRYAN CAVE LLP
1290 Avenue of the Americas
New York, New York 10104-3300
(212) 541-2000

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OXIDIZED AND MDA-MODIFIED LOW)	
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CERTIFICATE OF EXPRESS MAILING


Express Mail Label ER 248809852 US

Date of Deposit: March 17, 2004

I hereby certify that the following:

- [x] This Certificate of Express Mailing (1 page)
- [x] Application transmittal cover letter (5 pages, in duplicate)
- [x] Patent application consisting of 64 pages of abstract, specification, and claims
- [x] Original Declaration (4 pages), attached to application
- [x] Substitute Declaration (4 pages)
- [x] Preliminary Amendment (12 pages)
- [x] Information Disclosure Statement ("IDS") (59 pages)
- [x] 18 PTO Forms 1449
- [x] Copies of the 18 documents identified on page 1 of the IDS as being enclosed
- [x] Check in the amount of \$1,384.00 to cover filing fee
- [x] Formal drawings (6 sheets)
- [x] Declaration On Behalf Of Assignee Concerning Deposit Of Microorganisms (4 pages with attached Exhibits A, B, and C)

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the Date of Deposit indicated above in an envelope addressed to Box Patent Application, Commissioner For Patents, P.O. Box 1450, Alexandria, VA. 22313-1450.



Marvin Chisolm

Signature of Person Making Deposit

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